

### CHAPTER 3 R-Z, R-3, R-4, AND R-5 DISTRICT USE REGULATIONS

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#### 300 R-2 DISTRICTS: GENERAL PROVISIONS

- 300.1 The R-2 district consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings.
- 300.2 Except as provided in chapters 21 through 25 of this title, in an R-2 district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§301 through 319 of this chapter.

300.3 The following uses shall be permitted as a matter of right in R-2 districts:

- (a) Any use permitted in R-1 districts under §201 of chapter 2 of this title;
- (b) Community house existing on effective date of these regulations;
- (c) One-family, semi-detached dwelling; and
- (d) Youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families; Provided, that there is no property containing an existing community-based residential facility for seven (7) or more persons in the same square and there is no property containing an existing community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property.

### 301 ACCESSORY USES AND BUILDINGS (R-Z)

**301.1** The following accessory uses or accessory buildings incidental to the uses permitted for R-2 districts in §§300 through 319 of this chapter shall be permitted in R-2 districts:

- (a) Any accessory use permitted in R-1 districts under §202 of chapter 2 of this title; and
- (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-2 districts under the provisions of this chapter.

### 302 USES SUBJECT TO BZA APPROVAL: GENERAL (R-2)

**302.1** Any use permitted in R-1 districts under §205 through 221 shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §§3105, 3107, and 3108 of chapter 31 of this title.

### 303 YOUTH CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-Z)

**303.1** Youth residential care homes or community residence facilities for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

- 303.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 303.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.+) from any portion of the subject property.
- 303.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 303.5 The proposed facility shall meet all applicable code and licensing requirements.
- 303.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations; or the 'number of similar facilities in the area.
- 303.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 303.8 In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.
- 303.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.
- 304 HEALTH CARE FACILITIES (R-2)
- 304.1 Health care facilities for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 3 1 of this title, subject to the provisions of this section.
- 304.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 304.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.+) from any portion of the property.

- 304.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 304.5 The proposed facility shall meet all applicable code and licensing requirements.
- 304.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 304.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 304.8 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.
- 304.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

## 305 EMERGENCY SHELTERS (R-2)

- 305.1 Emergency shelters for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.
- 305.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 305.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property.
- 305.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 305.5 The proposed facility shall meet all applicable code and licensing requirements.
- 305.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

- 3ck.7"** The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 305.8 The Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.
- 305.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.
- 306 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-2)
- 306.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes for one (1) to eight (8) persons, not including resident supervisors or staff and their families, shall be permitted in an R-2 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.
- 306.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 306.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 306.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 306.5 The proposed facility shall meet all applicable code and licensing requirements.
- 306.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 306.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

- 306.8 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers home in a square or within five hundred feet (500 ft.) of each other.
- 306.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation

307 - 319 [RESERVED]

### 320 R-3 DISTRICTS: GENERAL PROVISIONS

- 320.1 The R-3 district is designed essentially for row dwellings, but there shall be included in an R-3 district areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings. To maintain a family-life environment, permitted related uses are the same in R-3 districts as in R-1 districts.
- 320.2 Except as provided in chapters 20 through 25 of this title, in an R-3 district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§320 through 329.
- 320.3 The following uses shall be permitted as a matter of right in an R-3 district:
- (a) Any use permitted in an R-2 district under §300.3; and
  - (b) Row dwelling.

### 321 ACCESSORY USES AND BUILDINGS (R-3)

- 321.1 The following accessory uses or accessory buildings incidental to the uses permitted in §320.3 shall be permitted in R-3 districts:
- (a) Any accessory use or accessory building permitted in R-1 districts under §§202 and 203 of this title: and
  - (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-3 districts under the provisions of this chapter.

322 USES SUBJECT TO BZA APPROVAL: GENERAL (R-3)

322.1 Any use permitted in R-2 districts under §§302 through 306 shall be permitted in an R-3 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title.

323 - 329 [RESERVED]

330 R-4 DISTRICTS: GENERAL PROVISIONS

330.1 The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.

330.2 Very little vacant land shall be included within the R-4 district, since its primary purpose shall be the stabilization of remaining one-family dwellings,

330.3 The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.

330.4 Except as provided in chapters 20 through 25 of this title, in an R-4 district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§330 through 349.

330.5 The following uses shall be permitted as a matter of right in an R-4 district:

- (a) Any use permitted in R-3 districts under §320.3 of this chapter:
- (b) Flat;
- (c) The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §350.4(c) and 401.3;
- (d) Child development center and/or elderly day care center; provided that the center shall be limited to no more than sixteen individuals:

- (e) Child/elderly development center located in a building that was built as a church and that has been used continuously as a church since it was built; Provided, that all of the play space required for the center by the licensing regulations shall be located on the same lot on which the center is located:
  - (f) Hospital, sanitarium, or clinic for humans;
  - (g) Private Club, lodge, fraternity house, sorority house, or dormitory, except where the use is a service customarily carried on as a business;
  - (h) Museum: and
  - (i) Community based residential facility; Provided, that notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community based facility, which otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter of right uses in an R-4 District, is intended to be operated as housing for the handicapped as that term is defined under Section 3602 (h) of the Fair Housing Act, as amended, 42 U.S.C. Section 3601 et seq. (1955). Section 802 of the FHAA defines handicap as follows:
    - (h) “Handicap” means, with respect to a person-
      - (1) A physical mental impairment which substantially limits one or more of such person’s major life activities.
      - (2) A record of having such an impairment, or being regarded as having such an impairment, but such terms does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)).
- 330.G A rooming or boarding house shall be permitted as a matter-of-right in an R-4 District; Provided that the following requirements are met:
- (a) Accommodations are not provided to transient guests who stay ninety (90) days or less at the premises, or guests whose occupancies would be subject to the tax imposed by the District of Columbia Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977;
  - (b) No sign is displayed on the premises;
  - (c) No advertisement is displayed or published on or off the premises holding out the establishment to be a hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation:



- (d) Cooking facilities are not provided in any individual unit; and
- (e) In a rooming house, no central dining or food preparation area is provided for guests.

**331 ACCESSORY USE AND BUILDINGS (R-4)**

331.1 The following accessory uses or accessory buildings incidental to the uses permitted in §§330 through 349 shall be permitted in an R-4 District:

- (a) Any accessory use or accessory building permitted in R-3 Districts under **§321** of this **chapter**;
- (b) Accessory parking spaces or an accessory parking garage subject to the special provisions of chapters 21 and 23 of this title; and
- (c) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-4 districts under the provisions of this chapter, including mechanical amusement machines which are accessory to museum uses, subject to the provisions of §2501 of chapter 2 of this title.

## 332.1 USES SUBJECT TO BZA APPROVAL: GENERAL (R-4)

332.1 The following uses shall be permitted in an R-4 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified, in §3108 of chapter 31 of this title:

- (a) The uses permitted in an R-3 district under §322 of this title, not permitted as a matter-of-right under §330.5 of this chapter; and
- (b) Telephone exchange, if declared necessary in the public interest by the Public Utilities Commission, and subject to requirements for setback, screening, or other safeguards as the Board shall deem necessary for the protection of neighboring property.

## 333 STORAGE AND PARKING ON ALLEY LOTS (R-4)

333.1 Storage of wares and goods, parking lot, parking garage, or public storage garage not otherwise permitted under provisions of this chapter, on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the District Finance Office, on or before November 1, 1957, shall be permitted in an R-4 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

333.2 No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 ft.sq. of gross floor area.

333.3 Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees.

333.4 The alley upon which the use is to be located shall be readily negotiable by any trucking necessary for the proposed operation.

333.5 The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located.

## 334 COMMUNITY SERVICE CENTERS (R-4)

334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall

be permitted in an R-4 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

- 334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.
- 334.3 No structural changes shall be made except those required by other municipal laws or regulations.
- 334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.
- 334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual.

### 335 REHABILITATION AND SUBSTANCE ABUSERS' HOME (R-4)

- 335.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in an R-4 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this titles, subject to the provisions of this section.
- 335.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 335.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 335.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 335.5 The proposed facility shall meet all applicable code and licensing requirements.
- 335.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 335.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

- 335.8 The Board shall not approve more than one **(1)** youth rehabilitation home, adult rehabilitation home, or substance abusers' home in a square or within five hundred feet (500 ft.) of each other.
- 335.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to, the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

336 - 349 [RESERVED]

350 R-5 DISTRICTS: GENERAL PROVISIONS

- 350.1 The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts.
- 350.2 The R-5 districts are subdivided into R-5-A, R-5-B, R-5-C R-5-D and R-5-E districts. In R-5-A districts only a low height and density shall be permitted; in R-5-B a moderate height and density shall be permitted; in R-5-C a medium height and density shall be permitted, and in R-5-D and R-5-E districts a relatively high height and density shall be permitted.
- 350.3 Except as provided in chapters 20 through 25 of this title, in any R-5 district, no buildings or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§350 through 360.
- 350.4 The following uses shall be permitted as a matter of right in an R-5 district:
- (a) Any use permitted in the R-4 district subject to the requirements of §410 of chapter 4 and §353 of chapter 3 of this title;
  - (b) Greenhouse or horticultural nursery;

- (c) Multiple dwellings subject to the requirements of §353 and §410 of this title; Provided, that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one month;
- (d) Hotel, only in R-5-B, R-X, R-5-D, or R-5-E districts, in existence as of May 16 1980, with a valid Certificate of Occupancy or a valid application for a building permit; Provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered;
- (e) Residence for teachers or staff of private schools;
- (f) Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; Provided, that there is no property containing an existing community-based residential facility for seven (7) or more persons in the same square and that there is no property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property: and
- (g) Child/elderly development center in R-5-D and R-5-E districts; Provided, that the center shall be limited to no more than twenty-five (25) individuals.

350.5 A parking garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Department of Finance and Revenue, on or before November 1, 1957, shall be permitted as a matter of right in an R-5 district: Provided, that the following conditions shall be met:

- (a) No part of the garage shall be located within seventy-five feet (75 ft.) of any building line: and
- (b) Vehicular entrances and exits shall open directly onto an alley.

350.6 A chancery shall be a permitted use in R-5-D or R-5-E districts, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of chapter 10 of this title.

## 351 ACCESSORY USES AND BUILDINGS (R-5)

351.1 The following accessory uses or accessory buildings incidental to the uses listed in §350 shall be permitted in an R-5 District:

- (a) Any accessory use or accessory building permitted in R-4 districts under §331 of this title;
  - (b) Temporary exhibits, fund raising functions, and benefit sales for nonprofit organizations not to exceed ten (10) days in a hotel with more than one hundred (100) rooms or suites; and
  - (c) Any other accessory uses or accessory buildings customarily incidental to the uses permitted in R-5 districts under the provisions of this chapter, including mechanical amusement machines that are accessory to uses specified in §350.4(d), subject to the provisions of §2501.
- 351.2 Commercial adjuncts as accessory uses to a hotel containing one hundred (100) or more rooms or suites shall be permitted in an R-5 district; Provided,, that the following conditions shall be met:
  - (a) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased;
  - (b) There shall be no direct entrance to the function rooms, exhibit space, and commercial adjuncts from the outside of the building;
  - (c) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk; and
  - (d) No sign or display indicating the existence of the adjuncts shall be visible from the outside of the building.
- 352 USES SUBJECT TO BZA APPROVAL: GENERAL (R-5)
  - 352.1 Any use permitted in R-4 districts under §§332 through 335 of this chapter shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title.
- 353 NEW RESIDENTIAL DEVELOPMENTS (R-5-A)
  - 353.1 In R-5-A districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment in accordance with the standards and requirements set forth in §410; the conditions specified in §3108 of chapter 31 of this title, and the requirements of this section.
  - 353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.

- 353.3 The Board shall refer the application to the D.C. Departments of Public Works and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.
- 353.4 The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking; recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood.
- 353.5 In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.
- 354 CONVENIENCE STORES IN APARTMENTS (R-5)
- 354.1 Sale of the following convenience commodities and services, as accessory uses and appropriate adjuncts to an apartment house which are designed to service the tenants' daily living needs shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section:
- (a) Foods, drugs, and sundries; and
  - (b) Personal services.
- 354.2 The adjuncts authorized under this section shall be limited to the main floor of the building or below.
- 354.3 There shall be no direct entrance to the adjunct from the outside of the building.
- 354.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk
- 354.5 No signs or display indicating the existence of the adjunct shall be visible from the outside of the building;
- 354.6 The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial district.
- 354.7 Subject to compliance with the provisions of §354.6, these uses may also be permitted within an interior patio or other type of open ground level area; Provided, that the following conditions shall be met:

- (a) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and
- (b) No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.

354.8 The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established Commercial districts, but in order to protect the value and stability of these districts, the Board shall give consideration to the following:

- (a) The proximity of Commercial districts to the adjuncts proposed;
- (b) The adequacy and convenience of parking spaces existing in or for those Commercial districts;
- (c) The adequacy and scope of commodities and services provided within those Commercial district; and
- (d) The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.

#### 355 PARKING GARAGES. (R-5)

355.1 Parking garages constructed as a principal use on a lot other than an alley lot in an R-5-E district shall be 'permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

355.2 The use shall comply with all provisions of chapter 23 of this title.

355.3 No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by chapter 6 of Title 24 DCMR, "Public Space and Safety."

355.4 The Board shall find that no dangerous or otherwise objectionable traffic conditions will result, that the present character and future development of the neighborhood will not be affected adversely, and that the parking garage is reasonably necessary and convenient to other uses in the vicinity.

355.5 Before taking final action on an application for the use, the Board shall have submitted the application to the D.C. Department of Public Works for review and report.



**356 COMMERCIAL ADJUNCTS TO HOTELS (R-5)**

- 356.1 Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.
- 356.2 The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased.
- 356.3 There shall be no direct entrance to the adjunct from the outside of the building.
- 356.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
- 356.5 No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
- 356.6 The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

**351 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-5)**

- 357.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers homes for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the standards and requirements of §§358.2 through 358.7 and 358.9.

**358 YOUTH CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-5)**

- 358.1 Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.
- 358.2 There shall be no other property containing a community based residential facility for seven (7) or more persons in the same square.
- 358.3 There shall be no other property containing a community based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

- 358.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 358.5 The proposed facility shall meet all applicable code and licensing requirements.
- 358.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 358.7 The Board may approve more than one (1) community based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 358.8 The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.
- 358.9 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

**359 HEALTH CARE FACILITIES (R-5)**

- 359.1 Health care facilities for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment, in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.
- 359.2 The applicant shall meet the standards and requirements set forth in §§358.2 through 358.7.
- 359.3 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.
- 359.4 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the

D.C. Departments of Public Works, Human Services, and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

SOURCE: §3105.48 of Regulations effective May 12, 1958 as amended by Final Rulemaking published at 28 DCR 3482, 3497 (August 7, 1981); and by Final Rulemaking published at 40 DCR 726 (January 22, 1993).

360 EMERGENCY SHELTERS (R-5)

360.1 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the standards and requirements of §358 of this chapter.

361 ART GALLERIES

361.1 An art gallery shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, and subject to the provisions of this section.

361.2 The art gallery shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.

361.3 The Board shall consider, and regulate, if, necessary, the anticipated frequency, number of attendees, and other characteristics of show openings, or other group gatherings.

361.4 Adequate off-street parking, but not less than that required by chapter 21 of this title, shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.

361.5 The proposed use shall not adversely affect the present character or future development of the surrounding area.

361.6 The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it shall deem necessary to protect adjacent and nearby properties.

399 DEFINITIONS

399.1 The provisions of §199 of chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.